

ORIGINAL

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983****IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

(1) JAMES ST. LOUIS 446518
 (Name of Plaintiff) (Inmate Number)
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK RD SMYRNA DE 19970
 (Complete Address with zip code)

(2) /
 (Name of Plaintiff) (Inmate Number)
/
 (Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) LT. CHERYL MORRIS
 (2) DIR. CHRIS. KLEIN
 (3) ALL OFFICERS AND SUPERVISORS
OF DELAWARE PRISONS,
INCLUDING STATE OF DELAWARE
 (Names of Defendants)
 (Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

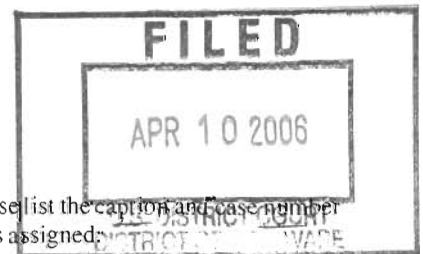
CIVIL COMPLAINT

- Jury Trial Requested

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned.

St. Louis v Wilson, et al
1:05 - CV - 38
2005
Judge Robinson



II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No

B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No

C. If your answer to "B" is Yes:

1. What steps did you take? Proceeded up Ladder of Command
discussed w/ grievance officer
2. What was the result? GRIEVANCE OFFICER TOLD DIR. KLEIN
AND LT MORRIS illegal MATTER

D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: Lt. Cheryl Morris

Employed as Supervisor at DCC Smyrna

Mailing address with zip code: 1181 Paddock Road
Smyrna De 19977
(302) 653-9261

(2) Name of second defendant: Dir. Chris Klein

Employed as Food Director at DCC Smyrna

Mailing address with zip code: 1181 Paddock Road
Smyrna De 19977

(3) Name of third defendant: All Officers and Supervisors' Prisons
including State of Delaware

Employed as _____ at _____

Mailing address with zip code: 1181 Paddock Rd
Smyrna De 19977

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1.

2.

3.

see
attached

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1.

I would like compensatory and punitive damages with special emphasis on emotional physical, stress, humiliation, and embarrassment done to my reputation. I also hope this Court dishes out sentences and monetary punishments not only to Smyrna but all Delaware prisons seeing this as the designated practices in [all] Delaware prisons. also "Front Pay".

2.

3.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 6th day of April, 2006.

James A. Lewis

(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

I/M James A. Lewis Jr.
SBI# 446518 UNIT E D 33 TOP
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

*Legal
mail*



Clerk
U.S. Dist
Lockbox
844 N.
Wilmington

Legal

Utility Events

1:05-cv-00038-SLR St. Louis v. Wilson, et al

U.S. District Court

District of Delaware

REDACTED

Notice of Electronic Filing

The following transaction was received from rld, entered on 9/28/2005 at 9:49 AM EDT and filed on 9/28/2005

Case Name: St. Louis v. Wilson, et al

Case Number: 1:05-cv-38

Filer:

WARNING: CASE CLOSED on 09/28/2005

Document Number:

Docket Text:

CASE CLOSED (rld,)

The following document(s) are associated with this transaction:

1:05-cv-38 Notice will be electronically mailed to:

1:05-cv-38 Notice will be delivered by other means to:

James St. Louis
SBI#446518
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

As we see in *Mc Duffie v Estelle*
935 F2d 682, 686

It is unconstitutional to give inmates jobs involving supervisory or disciplinary authority over other inmates because of the risk of violence or exploitation.

It is also unconstitutional to give the power to hire and fire, supervise, interview for and control employee work schedules.

In *Carrigan v State of Delaware* 957 F. Supp 1376 we read "in order to establish 8th Amendment violations by prison officials, it must be shown that alleged deprivation was objectively sufficiently serious and that prison officials' state of mind was one of deliberate indifference to inmates health and/or safety.

The 8th and 14th Amendments secure the inmate the right to be reasonably protected from the threat of violence and sexual assault, and right [not] to be subjected to unreasonable [threats] of injury from assaults or fires, and prisoners are not required to wait until they are actually injured by

assault or fire to obtain relief from such conditions. (also see *Davison v Kendrick* 527 F. Supp. 1252.

In *Ramer v Kerby* 936 F2d 1102, 1104 prison officials, it was ruled by the court, may not automatically refuse to call multiple witnesses especially when a prisoner "faces a credibility problem trying to disprove the charges of a prison guard; refusal to hear [any] witness corroborating the accused inmate will deny due process of the facts that are in dispute."

see *Graham v Baughman* 772 F2d 441

Lastly in *Griffin v Spratt* 969 F2d 16 (3rd Cir 1992) Judge Alito said due process prohibits deprivation of prisoner's liberty interest at disciplinary hearing unless prisoner is given advance written notice of disciplinary charges, opportunity to call witnesses and present documentary evidence in his defense, and [written statement by fact finder of evidence relied on and reasons for disciplinary action] In addition a disciplinary decision implicating

a prisoner's liberty interest [must] be supported by at least "some evidence" Id @ 455, 105 S.Ct. @ 2774.

In *Ducks v Durham* 959 F2d 710 it says a prison supervisor who made the judgement on her own complaint against an inmate violated inmate's due process rights and [was] subject to liability under § 1983 where, "although prison guard wrote actual conduct violation report, guard did so at express direction and insistence of supervisor who did fact finding interviews after write up and made decision to terminate inmate." 42 USCA § 1983 Am 5, 14.

And *Quinn v Kent General Hosp. Inc* 617 F. Supp 1226 says conduct of state officials will be treated as [state] action for purpose of 42 USCA § 1983 even though conduct is not expressly authorized by the state or even contrary to state policy.

Facts

On 8/17/2001 Mr. St. Louis was hired to work as a relief worker in the main kitchen at Smyrna Correctional Center. He was hired by

then Sgt. White and especially hired by C/O Cook Lt. Downy (see exhibit A) Supervisor at that time was Lt. Klein whose office was next to Mr. St. Louis' assignment to the dish machine under I/M Buck. As I progressed up the ladder (see exhibit B) Mr. St. Louis was assigned to the position of sanitation under the direction of William Wooden also an inmate, who answered to then director Michael Knight. I/M Wooden was responsible for 6 inmates who took care of cleaning projects and all trash. He made out work schedules and who did what jobs. It was and is well known Mr. Wooden was gay and used his position to satisfy his desire for sex. Mr. St. Louis [was] approached by Mr. Wooden and promised favorable jobs if he interacted with Mr. Wooden but Mr. St. Louis refused. Now rule in the Kitchen was before you can go to an office of the person you have to bring everything to the 1st Cook or take a chance of being fired for not following procedure. Mr. St. Louis went to the 1st Cook

who at the time is an active Inmate detained at DOC. Not realizing he was a friend of Mr. Woodlin. After being told by 1st Cook that he would handle and [not] to say anything to anyone or else I, Mr. St. Louis, would be fired, I kept quiet hoping with great anxiety the problem would not come up again. But I did end up doing every dirty job noone else would do. Also at that time the 1st Cook was using his office and authority having sex with inmates until he got caught and sent to the SHU. The next 1st Cook was so overpowering that everyone had to address him as number one.

I was eventually promoted to 3rd Cook and had (3) second cooks and a 1st cook all inmates to answer to. The 1st Cook at that time called Jersey used to degrade 3rd Cook every day and if you dared to confront him he had you mop all the floors in the kitchen or face the threats of being fired. It got so bad that one day the 1st Cook and I had to be separated by Sgt. Burton because the 1st Cook asked to go to the

1st Cook wanted to go to the back room and fight because I followed the Lt. order and not his order. The 1st Cook said he runs the kitchen not the officers. Shortly after that he left the kitchen for another job and I/M Arthur Govan became 1st Cook and he is the worse of all. He is addressed as number one and life has been a constant terror for all 3rd and 2nd Cooks. At this time I was promoted to 2nd Cook for everyone else in those positions had gone home. I tried to talk to I/M Govan to make him understand he can't threaten inmates and even went to the zone one officer Sgt. Johnson talked to I/M Govan a number of times. And this problem was addressed to all the Lt. and especially to Lt. Cheryl Morris our direct supervisor who addressed the problem in a Cook meeting saying anyone who goes over her head again with a problem would be fired; she also advised us that Mr. Govan was 1st Cook and he was in charge of the kitchen and she told me that

most of the Cooks and inmates in the kitchen needed to be threatened and she had no problem with 1st Cook Govan threatening anyone and she would back him up.

When 1st Cook Govan took over his position Lt Morris had 2nd Cooks and especially 1st Cook Govan create questions and help with the interview for new potential cooks. Mr. St. Louis refused saying it was a violation of federal law and not right. Mr. St. Louis saw how I/M Govan gave questions he wants ask to people who paid him candy or honey buns to let them know what he would ask them. Also I/M Govan told Lt Morris who he didn't want as cooks and she honored his words. All anyone had to do was to pay I/M Govan and he would have a 3rd Cook position or a 2nd Cook position or an easy day at work. Many times I/M Govan solicited treats in exchange for easy work schedules. Those who didn't pay got either a rough day at work or were fired because they didn't "Co-operate"

I/M Givan had a hit list of who he wanted to get rid of and told his 2nd Cooks to especially watch these people.

Everything between I/M Givan and Mr. St. Louis came to a head 2 weeks before Thanksgiving 2005 when I/M Givan said to all his 3rd Cooks and 2nd Cooks everyone was required to work Thanksgiving day no exceptions and those not scheduled without pay.

Upon hearing this Mr. St. Louis confronted I/M Givan about all his threats and deeds and said he was tired of this action. I/M St. Louis went to go see one officer Sgt. Johnson and he called 1st Cook Givan into office to explain thing to him. One hour later Mr. St. Louis was called to Lt Morris office and 1st Cook Givan told Lt. Morris he worked I/M St. Louis fired; after a brief conversation I/M St. Louis was told to leave and 1st Cook Givan remained. Two weeks later I/M St. Louis was fired for "lying".

Mr. St. Louis pressed the issue to be addressed going as high as the

Warden to clear his reputation. Assistant Warden Pierce, upon complaint of St. Louis authorized an investigation and Lt Lee Bailey went and interviewed Mr Boring and the kitchen personnel. Upon completion he interviewed Mr. St. Louis and made the statement that Mr. St. Louis was getting real loaded and asked who he upset. (this was 2 month after the initial report was written but [not] filed). see all included exhibits.

Next Mr St. Louis wrote and asked for investigative report done by Lt Morris before firing. Mr St. Louis sent letters to all kitchen supervisors with case law telling them of law and rights also list of witnesses he desired at hearing. Lt Morris did [not] comply. Upon going to disciplinary hearing, officer Ralph Heverin in charge, no inmates were allowed to attend with no reason.

Also Mr St. Louis was told he could not ask any question of anyone except Mr Boring. Upon completion of hearing kitchen officers left and Ralph Heverin said he was sorry but had to find me guilty even though he believed I was innocent. He even said the

Ketchen just plain shitted on me. I told him I would appeal and he gave me the information. I argued my point and the violation of due process - was letting me question witnesses and not allowing inmate witnesses along with not allowing fact finder information to me. The response was basically to head and I was ruled denied. On March 10 2006 I must serve 5 days of CTQ and last of all privileges I will also loose my honor visit and get extra points that will change my classification and move me from minimum to maximum security.

Besides my own story I do have a number of names who are willing to back up my accusations. I will not include them for some still work in the institution and are afraid of pay back from not only the Ketchen but other inmates. But if you can guarantee their safety they will come forward.

Now this says this argument is not just about my prison but I like other inmates are tired of the physical abuse, the mental anguish, the shock

embarrassment, humiliation and mortification. The psychological injury and lack of sleep from this abuse of injury and inmate abuse of power

once another inmate is getting out of hand and shouldn't be allowed to occur to any inmate. These last 4 years have caused great discomfort not only in physical but more important emotional and mentally.

Besides the I/m abuse I have described we as inmates do the work that these correctional officers are suppose to do at a fraction of the cost and I've observed inmates having sex with inmates in places where food is served while officers are "hiding" and out of site. I've seen inmates spit into food being served, and they wonder why HIV and aids are rampant. We've had a guard reassigned and the inmates punished for sexual contact with each other. We have pornographic pictures of female guards being sold from inmate to inmate. All these and other actions were and are present while Lt Morris and his officers up to Michael Knight have been present and still are available. And as far as the state is concerned. The Governor has had committees come

through the kitchen from time to time and the supervisors [have] introduced I/M Groux and I/M St. Louis as their 1st and 2nd Cooks and let them know what their jobs are; so no one can plead lack of knowledge. These misdeeds have been going on long enough and [must] be stopped and everyone from the lowest officer to the highest official punished and made to pay for this disgrace. Not only the Governor's office but also the prison's own people along with newspaper and other advocates.

James St. Louis
446518

E Bld D 33

Job Title: 2nd Cook

Classification:

Pay Rate:

State of Delaware
Department of Corrections

Date: 9/20/2000

JOB DUTIES:

- Report to work promptly with clean uniform and hairnet intact.
- Wash hands for 20 seconds with hot soapy water
- Direct supervision of food preparation for specialized areas (salad prep. Vegetable prep and baking)
- Monitor portion control and timely food distribution
- Monitor, set-up and maintain all equipment
- Monitor master menu and ensure food items are available
- Complying with all food preparation policies, practices and regulations
- Monitor proper usage and handling of knives
- Ensure that all required paperwork and reports are submitted daily
- Inspect the cleaning and sanitizing of work areas
- Serve as the head cook in his/her absence
- Ensure that proper food items are requisitioned for meal preparation
- All other duties as required

KNOWLEDGE:

- Large scale kitchen operations and machinery
- Master menu, portion control and recipes
- Cleaning and sanitizing practices and regulations
- Large scale food preparation policies and practices
- H.A.A.C.P and Serv Safe requirement/practices

SKILLS:

- Math and measurement
- Basic English
- Menu and ingredient modifications
- Preparation, leadership, and organizational skills

ABILITIES:

- Delegate duties and supervise large scale kitchen operations
- Communicate effectively both in writing and orally
- Work as a team player
- Maintain large equipment

DEPARTMENT OF CORRECTION

FOOD SERVICE

REQUEST FOR INMATE ASSIGNMENT, REASSIGNMENT, OR TERMINATION

INMATE: St. Louis, James SBI #: _____ SSN #: _____

WORK AREA: M/K Bkg #14 HOUSING UNIT: _____

TYPE OF ACTION (CHECK ONE)

X NEW ASSIGNMENT EFFECTIVE DATE 02/26/02

_____ REASSIGNMENT EFFECTIVE DATE _____

_____ TERMINATION EFFECTIVE DATE _____

REASON Replacement needed in
SANITATION Filling Cornell, Rivera
Position

POSITION SANITATION

SHIFT: Beta DAYS OFF: Wed-Thurs.

FSS III White
C.O./COOK SIGNATURE

DATE: 2/26/02

Exhibit B.

DEPARTMENT OF CORRECTION

FOOD SERVICE

REQUEST FOR INMATE ASSIGNMENT, REASSIGNMENT, OR TERMINATION

INMATE: ST. LOUIS, JAMES SBI #: 446518 SSN #: 24-9668

WORK AREA: M/K BLGD. #14 HOUSING UNIT: E

TYPE OF ACTION (CHECK ONE)

X NEW ASSIGNMENT EFFECTIVE DATE 08/17/01

 REASSIGNMENT EFFECTIVE DATE

 TERMINATION EFFECTIVE DATE

REASON Replacement needed.

POSITION Relief
KITCHEN WORKER

SHIFT: 1030-2000 DAYS OFF: ~~TUE/THU~~ FRI/SAT

LT [Signature]
C.O./COOK SIGNATURE

DATE: 8/17/01

exhibit A

Disciplinary#
1022173

DCC Delaware Correctional Center

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

Date: 12/09/2005

DISCIPLINARY REPORT

Disciplinary Type: Class1 Housing Unit: Bldg E IR#: 1028348

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00446518	Stlouis, James J	DCC	Bldg.14 Food Prep. Area	12/07/2005	12:00

Violations: 2.01/200.105 Abuse of Privileges, 2.10/200.213 Lying

Witnesses: 1. N/A 2. N/A 3. N/A

Description of Alleged Violation(s)

On The Above Date And Approx. Time I/M James St. Louis Was Terminated For Lying And Abuse Of Privileges/M James St. Louis Told Me, Fssii Boring That Chicken Parmesan And Bread Pudding W/ Raisins Was Approved By Director Klein. I/M Lied To Me Fss Boring About The Approval Of The Products.

Reporting Officer: Boring, Mary M (FS Specialist I & II)**Immediate Action Taken**Immediate action taken by: Boring, Mary M -FS Specialist I & II

404 Written

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured? No

Reason: N/ADisposition Of Evidence: N/A**Approval Information**

Approved: ☐ Disapproved: ☐ Approved By: ()

Comments: N/A**Shift Supervisor Details**

Date Received: _____ Time: _____ Received From: _____

Shift Supervisor Determination:

- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)
- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing

, ()

I have received a copy of this notice on DATE: _____ TIME: _____ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing

Officer: _____

Offender: _____

Stlouis, James J

FORM #584

#22285

GRIEVANCE FORM

FACILITY: Bldg. 14 Food Prep Area DATE: 12/10/05
 GRIEVANT'S NAME: JAMES ST. LOUIS SBI#: 00446518
 CASE#: ~~discipline # 1022113~~ TIME OF INCIDENT: Report 12:00
 HOUSING UNIT: E

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

see sheet included (3) to explain
grievance.

ACTION REQUESTED BY GRIEVANT: apology from Ms Boring
and reinstatement and back pay from
main kitchen and strikers from my
unit.

GRIEVANT'S SIGNATURE: James St. Louis DATE: 12/10/05

WAS AN INFORMAL RESOLUTION ACCEPTED? ☐ (YES) ☐ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE: _____ DATE: _____

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
 GRIEVANT

April '97 REV

RECEIVED
 DEC 13 2005

10:30 AM

talked to Karney to see grievance officer

12/9/05 9:50 AM

9 AM left Building E to go to kitchen to work upon entering kitchen I handed my pass to officer Wagner and proceeded into kitchen to coat room and then to set up for today's work. After getting the count and needs for diet cooks I noticed a sign up on the door one officer for 2nd cooks. I saw I/M Coles and asked him about it. He explained that I was terminated and he was told to run the floor. I proceeded to Lt. Lehman's office and upon entering asked him if I was terminated. He said he just received an E mail outlining suspension pending termination of our come of hearing. And told me spec. Barng wrote up this order. I asked him what for and could I get a copy of it. He proceeded to enter his computer and gave me a copy of said order. We talked for awhile and he said his advice to me is chill for awhile and grieve it, and was sure the truth would come out sooner or later. I left and went back to my building where I noticed the write up was dated 2 days ago at noon.

facts:

#1. Around Thanksgiving time me (cooks) were preparing a Thanksgiving day meal and Ms. Barng asked if we were going to have bread pudding I responded and told her no we were having sweet potato pie instead. She said she always

add raisins to her bread pudding and wouldn't it be nice if we could do it here. I told her probably but I didn't know when we were going to have it. She asked me to let her know so she could bring in some raisins for workers chow and I said I would. In the mean time Mr. Greenwell (a second cook) told me Mr. Govon (1st cook) and himself met with Mr. Cline (head of kitchen) and was told if we had enough bread after making stuffing for Thanksgiving he could do bread pudding sometime.

Now two weeks ago we had chicken patties and had 200 left over from lunch which I put in the freezer. And last Monday we had spaghetti and meat sauce left over from dinner that was put in the cooler. I said to Mr. Govon it would be nice if this week we had chicken patties w/sauce and bread pudding and he agreed says ask zone one if we can do it Thursday saying it is a terrible meal. I proceeded to zone 1 and asked officer Johnson if he was in charge Thursday and he said yes.

And I asked to run something by him I told him of Greenwell's conversation about Kline OKing bread pudding

and I told him about the chicken patty and sauce and ask if it would be alright with him if we had them Thursday and he said it was OK.

Upon leaving zone one I saw Mrs. Boung and told her we were having Bread pudding and chicken patty and sauce Thursday and she said she wanted to bring in raisins. I told her to talk to Mr. Greenwell because he had Kline's permission and that she should clear it through him. She immediately went to Greenwell and discussed the issue upon completion told me she was going to check Mr. Kline.

The next thing I know I have Wednesday off but worked 1/2 a day (which was the 7th worked to 1pm) and no one said anything to me. Thursday I was called into the kitchen at 1:30 pm to see Lt Morris and Lt. Lehman to answer questions about the supposedly meal.

I did not go into work Thursday because I was told by 3rd Cooks Wednesday night at 5pts that the meal was canceled and was asked if I was OK. No one mentioned the memo up or suspension until this AM.

12/8

MY COPY
1/24/06
Dear Lt. Morris

Being my immediate superior in the kitchen I am letting you know what is going on with my proceedings. Upon being told I was suspended pending termination of a hearing by Lt. Lehman and to file a grievance I immediately asked my building C/O for the on duty C/O to log a complaint and set up my due process hearing. That was Friday December 9 2005. After requesting 3 different times and being promised he'd be here A.S.A.P. I wrote up a grievance and submitted it to the building C/O who placed it in the proper box for processing. The Lt. who promised to see me still hasn't shown up, and as of January 23 2006 I haven't heard about my grievance hearing. I also asked for Cpl. Kline, Lt. Lehman, Sg. Johnson, S/M Giron, S/M Greenwell, Sg. Booring and yourself to be present as Graham, Baughman and Green & Nelson allows me to do.

I do have a few request that I was told I can ask for.

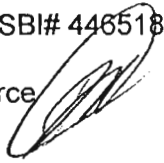
First: You had a "fact finding" meeting with myself and Lt. Lehman on December 8 2005. I would like a copy of that meeting and all evidence collected in that process from everyone involved.

Second: I'd like to request the procedures for disciplinary actions for the



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
OFFICE OF THE DEPUTY WARDEN
DELAWARE CORRECTIONAL CENTER
1181 Paddock Road
SMYRNA, DELAWARE 19977
Telephone: (302) 653-9261
Fax: (302) 659-6668

MEMORANDUM

TO: IM James St. Louis SBI# 446518 E D33B
FROM: Deputy Warden Pierce 
DATE: February 7, 2006
RE: Disciplinary

I received your letter dated February 1 2006, regarding a disciplinary you received and have forwarded your concerns to Hearing Officer Williams for his action.

DP/dc
Attachment
cc: S/Lt Williams
File

944638 E Bldg.
D33B

RECEIVED

2/1/06

FEB 02 2006

Dear Deputy Warden Pierce

DEPUTY WARDEN I

Sir I am writing you because I can not get an answer to my problem. On Dec. 7 2005 Officer Boring, from the Kitcher, wrote a disciplinary report #1022173 which said I lied to her for my own personal gains. I worked pass the 1200 hour this report was done and upon asking 2 times if I was fired was told no by Lt. Lehman from the Kitcher. On December 9 2005 I was told about this disciplinary report, 2 days later, and was given a copy of it but was also told by Lt. Lehman I was suspended pending a disciplinary hearing and that I should file a grievance on this action. Upon my return to my building I asked the building officer in charge to call to C/O in charge of prison so I could put forth a complaint. I was told he would be over as soon as he was free, that was about 9:40 AM December 9 2005, and I still haven't seen him. I asked two more times and was told to be patient. I decided to write my grievance and presented it to the building C/O who placed it in the grievance box on 12/10/05.

As of January 24, 2006 I had heard nothing about my grievance or my

disciplinary hearing and wrote a letter to the Warden, the Grievance Office, Chris Klein, Michael Knight and Lt S. Morris explaining to them that I have yet received my 8th Am rights to due process by [not] having a disciplinary hearing and also requested information which I tried to get from law library and the building 40 about kitchen disciplinary hearing, which I was told does not exist. I told them about the witnesses I would like to call for my hearing.

Now we come to today 2/1/06 I received back from the Grievance Office my paper work telling me I can not grieve a disciplinary action. The first time I did a grievance was about Counselor McManis and the physical threats and was told I could not grieve that. What exactly can be grieved? I do not understand. I do want a disciplinary hearing and have a right to one and will go to civil federal court for one.

I am in the process of obtaining a lawyer you are all familiar with civil law suits I don't want any problem only what the law says I can get and that to be treated fairly and what is [not] happening.

I'm not going to threaten anyone
 by I am telling you this I've made copies
 of everything and sent them out to my
 son and told him to go to the papers
 with both Queenies If I do not tell
 him progress is being made.

I'm so so sorry for having to
 involve you but as an officer told me
 who gave me your name. If we had
 competent C/O here who knew what
 was right and how to do it. I wouldn't
 have to address this to you.

See I'm not an angel but I also
 do not lie and I will not admit
 something I did [not] do or have something
 on my record I did not do without
 fighting with everything I have at hand.
 I was told if I push this issue there
 could be repercussions. The only thing
 I say to that is God protects those who
 trust in Him and nothing happens
 without His say-so.

I hope we can address this issue
 and come to a fast solution

Thanks for your
 time
 Jim St. Louis
 446 518
 Bl'd D 33

1022173

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261**DISCIPLINARY REPORT**Disciplinary Type: Class1Housing Unit: Bldg EIR#: 1028348

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00446518	StLouis, James J	DCC	Bldg. 14 Food Prep. Area	12/07/2005	12:00

Violations: 2.01/200.105 Abuse of Privileges, 2.10/200.213 LyingWitnesses: 1. N/A2. N/A3. N/A**Description of Alleged Violation(s)**

On The Above Date And Approx. Time I/M James St. Louis Was Terminated For Lying And Abuse Of Privileges/M James St. Louis Told Me, Fssii Boring That Chicken Parmesan And Bread Pudding W/ Raisins Was Approved By Director Klein. I/M Lied To Me Fss Boring About The Approval Of The Products.

Reporting Officer: Boring, Mary M (FS Specialist I & II)**Immediate Action Taken**Immediate action taken by: Boring, Mary M -FS Specialist I & II

404 Written

Offender Disposition DetailsDisposition: N/ADate: N/ATime: N/ACell secured? NoReason: N/ADisposition Of Evidence: N/A**Approval Information**Approved: ☒Disapproved: ☐Approved By: Lee, Bradley Jr.(Staff Lt./Lt)Comments: N/A**Shift Supervisor Details**Date Received: 02/15/2006Time: 13:57Received From: Boring, Mary M**Shift Supervisor Determination:**

☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)

☒ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.



Lee, Bradley Jr.(Staff Lt./Lt)

Rec
Disp
Vib

I have received a copy of this notice on DATE: _____ TIME: _____ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing

Officer: _____

Lee, Bradley Jr.

Offender: _____

StLouis, James J

DR #

1022173

Date: 2/16/06

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

NOTICE OF DISCIPLINARY HEARING - FOR MINOR/MAJOR OFFENSE

To: Inmate: St Louis, James J. SBI# 00 446518 Housing Unit: E

1. You will be scheduled to appear before the Hearing Office to answer charges pending against you. (Staff are to explain the charges as listed on the 122)
2. At that time, a hearing will be held to determine whether you violated Institutional Rule(s) as alleged in the attached Disciplinary Report.

How do you plead? ☐ Guilty ☒ Not Guilty

3. A "Minor Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
 - a. Written Reprimand.
 - b. Loss of one or more privileges for a period of time of more than 24 hours but less than 15 days.
4. A "Major Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
 - a. Loss of one or more privileges for a period of more than 15 days but less than 60 days.
 - b. Confinement to assigned quarters for a period of time not to exceed 30 days.
 - c. Isolation confinement for a period of time not to exceed 15 days.
 - d. Loss of good time for a period of time not to exceed 30 days. (Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.)

5. You have the rights in the disciplinary process as stated on the lower and back of this page. These have been fully explained to you at the time of this notification.

6. Counsel requested? ☐ Yes ☒ No Name of Counsel: _____

7. Confront accuser? ☒ Yes ☐ No

8. Witness requested? ☒ Yes ☐ No Name of Witness: Tr Greenwell, Bryon
FSS Morris, Cheryl
FSS III Johnson, A.

I certify that on 2/16/06 at _____
(Date) (Time)

I served upon the above inmate this notice of Disciplinary Hearing for Minor/Major Offense and the Disciplinary Report is attached hereto.

[Signature]
(Employee's Signature & Title)

I have received copies of 122 & 127 and understand my rights as Form #127 has been read to me.

[Signature]
(Inmate's Signature)

2/16/06
Letter to C/O Disciplinary Office
for director Klein - I/m Govan
C/O Lt Lehman / also no response
for last hearing from 12-16-05

DR #
1022153

Date: 2-23-06

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

DISCIPLINARY HEARING DECISION
☒ Class I (Major) ☐ Class II (Minor) ☐ Summary (24 Hour LOAP)

Inmate: <u>Storin, James</u>	SBI#: 00 <u>446518</u>
Institution: <u>Delaware Correctional Center</u>	Hearing Date: <u>2-23-06</u> Time: _____

Inmate Present: ☒ Yes ☐ No

Reason (If No): _____

Violation: 200.185 AP, 200.213 Lying
 Inmate Plea: Not Guilty
 Inmate Statement: Because I didn't do what she said I did.

Witness Name: Storin, Cheryl
 Testimony: Heard nothing about
him for bread pudding.

Witness Name: Det. Tolson, Andre
 Testimony: He knows nothing of this
bread pudding w/ Raisins.

Witness Name: _____
 Testimony: _____

 Decision: ☒ Guilty ☐ Not Guilty ☐ Further Investigation

Rational: Because the inmate said he got the approved from Mr. Morris after talking to Mr. Morris + Det. Tolson, I find him Guilty of all charges

Sanctions: 5 days CTAHearing Officer's Signature [Signature]

I understand that I may appeal the decision of the Hearing Officer (or Shift Supervisor in the case of a Summary Sanction) to the Commissioner of Correction or his designee. I must complete a Disciplinary Appeal Form within 72 hours immediately following the hearing and mail it to the DCC Hearing Office.

☒ I do intend to appeal.☐ I do not intend to appeal.Inmate's Signature [Signature]**ORDER TO IMPLEMENT SANCTIONS**☐ Inmate does not wish to appeal☐ Appeal has been denied by Commissioner or Designee☐ Sanctions have been modified☐ Time Limit (72 hours since hearing) for appeal has expired

Modifications: _____

It is hereby ordered to implement the sanctions or modified sanctions on Date: _____ Time: _____

DR#
1022173

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 03/02/2006

Inmate : Stlouis, James J

SBI#:00446518

Type:Class 1

Institution:DCC Delaware Correctional Center

Hearing Date:02/23/2006

Time:12:37

MEMORANDUM

To : Stlouis, James J

From : Chief, Bureau of Prisons

RE : APPEAL DECISION

1. Confinement to Quarter

Your appeal ☐ Accepted ☒ Denied

The decision of hearing ☒ Affirmed ☐ Reversed ☐ Remanded for further proceedings

The sanction imposed by hearing officer will ☒ Remain as imposed by the Hearing Officer ☐ Reduced

The basis of this decision is as follows :

The reports support the guilt. your appeal contains no evidence to support a change.{SLD}

This report has been reviewed by Rendina, Anthony J

Date Reviewed 03/02/2006

*Letter sent
disappointment
journal
attorney*

DR#
1022173

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 03/10/2006

DISCIPLINARY HEARING DECISION

Inmate : <u>StLouis, James J</u>	SBI#: <u>00446518</u>	Type: <u>Class 1</u>
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>02/23/2006</u>	Time: <u>12:37</u>
Inmate Present: <u>Yes</u> Reason(If No): <u>N/A</u>		
Violation: <u>2.01/200.105 Abuse of Privileges, 2.10/200.213 Lying</u>		
Inmate PLEA: <u>Not Guilty</u>		
Inmate Statement: <u>Because I didn't do what she said I did.</u>		
Witness Name: <u>Greenwell, Bryon</u>		
Testimony : <u>Lt. Morris state's Mr greenwell said nothing about raise for bread pudding</u> <u>Sgt. johnson, Andre state's He know nothing of this bread pudding W/Raisins</u>		
Witness Name: <u>Morris, Cheryl</u>		
Testimony : <u>N/A</u>		
Witness Name: <u>Johnson, Andre</u>		
Testimony : <u>N/A</u>		
Decision : <u>Guilty</u>		
Rational : <u>Accuser state's I/M said he got the approved from Mr. Klein. After listen to Lt. Morris an Sgt. Johnson I find I/M Guilty of all charges</u>		
Sanctions: <u>N/A</u>		

HEARING OFFICER'S SIGNATURE

Heverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I ☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE's SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- | | |
|---|---|
| <input type="checkbox"/> Inmate does not wish to appeal | <input checked="" type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	04/10/2006	5	04/14/2006